

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

Bail Appl..No. 5675 of 2007()

CRIME NO.335/07 OF WADAKKANCHERRY POLICE STATION
.....

: PETITIONER/ACCUSED

C.R.VAREED, AGED 44, S/O.RAPPAI,
CHITTILAPPALLY HOUSE, POST THAKKUMKIARA,
MANAGING DIRECTOR, SUNAGOGUE KURIES & HIRE
PURCHASE PVT.LTD, THRISSUR.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: STATE OF KERALA/COMPLAINANT

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No.5675 of 2007

Dated this the 25th day of September, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations under Section 420 I.P.C. The crux of the allegations is that the defacto complainant had joined a kuri run by the petitioner and had been making subscriptions from 2003. The amount was not paid to him by the petitioner on maturity. The defacto complainant alleged that the petitioner had fraudulently deceived the defacto complainant. Crime was registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the allegations, even if accepted in toto, cannot reveal any culpable offence punishable under law. At worst, it is only a delay/failure in the discharge of a civil liability. Absolutely no circumstances are available to suggest that the petitioner had any contumacious or culpable intention when the defacto complainant accepted the invitation to join the kuri. The petitioner is willing to co-operate with the investigator. Subject to any appropriate conditions, anticipatory bail may be granted to the petitioner, it is prayed.

3. The learned Public Prosecutor opposes the application. Notwithstanding the opposition by the learned Public Prosecutor , I am satisfied that this is a fit case where directions under Section 438 can and ought to be issued in favour of the petitioner. Prima facie I am unable to gather any indications of culpable liability on the part of the petitioner. I may hasten to observe that I have not intended to express any final opinion on merits. Investigator will have to conduct a proper investigation and come to appropriate conclusions.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 03.10.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 04.10.2007 and 05.10.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of one month. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 03.10.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 03.10.07.

(R.BASANT, JUDGE)

rtr/-